

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Edgar Antonio Arguello

620 North Boyle Avenue, Los
Angeles, California 90033

d.b.a. California Cool
ID No. CAL000266863

Respondent

Docket HWCA 2004-720

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Edgar Antonio Arguello d.b.a. California Cool (Respondent) enter into this Consent Order and agree as follows:

1. Respondent is a registered hazardous waste transporter with a consolidated transporter notification and is allowed to transport hazardous waste oil and hazardous waste antifreeze under Hazardous Waste Transporter Registration number 4453

2. The Department conducted an investigation of the respondent in 2004.

3. The Department alleges the following violations:

3.1 The respondent violated Health and Safety Code section 25189(b), in that on eleven occasions between May 2003 and June 2004, Respondent illegally treated hazardous waste gasoline and hazardous waste coolant by mixing it with used oil.

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

8. Respondent shall comply with the following:

8.1 Respondent shall cease and desist from commingling different types of hazardous wastes.

8.2. Respondent agrees to send Edgar Antonio Arguello to the California Compliance School Modules I through V. Respondent must complete the Compliance School and submit a Certificate of Satisfactory Completion issued by the California Compliance School to the department within 185 days of the date of this consent Order. If the Respondent fails to submit the Certificate as required, a stayed penalty of \$5,000 becomes due and payable in installments as described in section 10.1. The 185 day period may be extended by the Department upon written request demonstrating good cause from Respondent.

9.1. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously:

To: Tom Donohue, Criminal Investigator
Department of Toxic Substances Control
Criminal Investigations Branch
5796 Corporate Avenue
Cypress, California 90630

To: Jose Lara, Supervising Criminal Investigator
Department of Toxic Substances Control
Criminal Investigations Branch
1515 Tollhouse Road
Clovis, California 93611

To: Florence Gharibian, Unit Chief
Department of Toxic Substances Control
Statewide Compliance Branch
1011 N. Grandview Avenue
Glendale, California 91201-2205

9.2. Extension Requests: If the Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

9.3. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENTS

10.1. Respondent shall pay the Department a total of \$11,710, of which \$8920 is a penalty and \$2,790 is a reimbursement of the Department's costs. \$5000 of the \$11,710 amount shall be stayed pursuant to paragraph 8.2. If and when Respondent fails to comply with the provisions of paragraph 8.2 the stayed \$5000 penalty amount shall be paid in 10 monthly installments at a rate of \$500 a month to commence 2 months after this Consent Order is signed by both parties.

10.2. Payments shall be made in accordance with paragraph 10.1 and attachment "A."

Respondent's checks to DTSC shall be made payable to the Department of Toxic Substances Control and shall be delivered together with a copy of the Payment Voucher in Attachment "A: to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

Photocopies of the check shall be sent:

- To: Tom Donohue, Criminal Investigator
Department of Toxic Substances Control
Criminal Investigations Branch
5796 Corporate Avenue
Cypress, California 90630
- To: Jose Lara, Supervising Criminal Investigator
Department of Toxic Substances Control
Criminal Investigations Branch
1515 Tollhouse Road
Clovis, California 93611
- To: Florence Gharibian, Unit Chief
Department of Toxic Substances Control
Statewide Compliance Branch
1011 N. Grandview Avenue
Glendale, California 91201-2205

If the Respondent fails to make payment as provided above, the Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

11.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

11.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondents to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

11.3. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

11.4. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: April 1, 2007

Original signed by Edgar Antonio Arguello
Edgar Antonio Arguello
d.b.a. California Cool

Dated: February 27, 2007

Original signed by Jose Lara
Supervising Criminal Investigator
Department of Toxic Substances Control